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Summary record of the 38th meeting
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Chair: Mr. Gunnarsson ..... (Iceland)
later: Mr. Idris (Vice-Chair) ..... (Eritrea)

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The meeting was called to order at 3.05 p.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/72/18 and A/72/291)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/72/285, A/72/287, A/72/319, A/72/323 and A/72/324)

Agenda item 71: Right of peoples to self-determination (*continued*) (A/72/286 and A/72/317)

1. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his reports (A/72/287 and A/72/291), said that in June 2017, he had reported to the Human Rights Council, presenting five reports: his report providing an overview of the thematic work carried out by the mandate since its creation and an analysis of some of the challenges of combating racism, xenophobia and discrimination in the context of countering terrorism; three country visit reports following missions to Argentina, in May 2016, Australia, from November to December 2016, and Fiji, in December 2016; and his report on the implementation of General Assembly resolution 71/179 on combating glorification of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He was pleased that the Government of the United Kingdom had accepted a visit, which should take place in 2018. He encouraged all Governments to reply positively to pending requests for invitations.

2. In his first report (A/72/287), submitted pursuant to General Assembly resolution 71/181, he had continued to elaborate on the challenges linked to combating racism, xenophobia and discrimination in the current counter-terrorism context, following up on his report to the Human Rights Council. His second report (A/72/291) was submitted pursuant to General Assembly resolution 71/179, in which he had been requested to prepare a report on the implementation of that resolution based on views collected from Governments and non-governmental organizations.

3. The rise of political extremism and populist movements and politics that sought to normalize racism and discrimination needed to be countered through effective language, policies and politics and better global diplomatic cooperation. The role of local institutions and governments in the fight against racism and xenophobia was particularly important as they tended to be closer to their constituencies and were sometimes more progressive than their counterparts at the national level. The correlation between racism and poverty, which was often racialized or manifested along racial lines, was also in need of attention. Growing inequality globally was also racialized and the implications of such racialization should continue to be studied. The issue of data and statistics should remain central to any effective work to prevent and counter discrimination. More useful statistics and data needed to be collected and better tools and instruments developed for such data collection. More work was needed on the multidimensional nature of discrimination, in particular with regard to the multiple forms of discrimination faced by women from racial and ethnic minorities.

4. **Ms. Verstichel** (Belgium) said that it was crucial to ensure that counter-terrorism measures were taken with full respect for human rights and did not give rise to human rights violations or acts of racism or racial discrimination. A purely security-based approach in the fight against terrorism and violent extremism would be harmful and counterproductive. The Unia institution, which published an annual report on complaints filed relating to allegations of racist and anti-Semitic offences, played an important role in measuring and improving the fight against racism in Belgium. For several years, Unia had been collaborating with the federal police to raise awareness and provide training to staff on anti-racism and anti-discrimination legislation, to strengthen the diversity policy within the organization and to ensure appropriate responses when police were the perpetrators or victims of hate messages and crimes.

5. **Ms. Wacker** (Observer for the European Union) said that the European Union was deeply concerned about the rise of populist extremist movements in many regions of the world and the targeting of persons belonging to national, ethnic, religious and linguistic minorities in the context of security concerns, economic disparities and migration flows. She wondered how to ensure that the fear of terrorism did not lead to the reinforcement of stereotypes and prejudices and to more acute manifestations of racism and xenophobia.

6. **Ms. Medcalf** (United Kingdom) said that working to eliminate racism, racial discrimination, xenophobia and related intolerance remained a high priority for her country. The United Kingdom had a strong legal framework in place against racial discrimination and criminal penalties for offences such as incitement to racial hatred and for racially or religiously aggravated

assault and criminal damage. Her Government had been reviewing the evidence available on the main causes of poor integration and would bring forward plans for tackling those issues through a new integration strategy. She asked how States could better collaborate to strengthen the fight against racism.

7. **Mr. de Souza Monteiro** (Brazil) said that his delegation reiterated its readiness to cooperate with the Special Rapporteur, Governments and civil society and exchange best practices concerning national initiatives to protect followers of commonly stereotyped religions, such as those based on African or indigenous traditions. Fighting homophobia and xenophobia should be the subject of well-structured policies, which could also learn from international and regional experiences. On the subject of political extremism, Brazil agreed that legal systems that reflected the multicultural character of societies were important. The importance of human rights education as an instrument to promote respect for minorities and other vulnerable groups could not be overemphasized. He asked for further information on the main tools to combat xenophobia and discrimination in the context of the common goal to combat terrorism.

8. **Mr. Lukiyantsev** (Russian Federation) said that his country fully supported the activities of the Special Rapporteur, while understanding the difficulty of his work, and thanked him for taking a principled stand on highly sensitive issues, in particular the unacceptability of the proliferation and spread of racist ideas and of calling such actions the realization of the right to freedom of expression.

9. **Ms. Razana** (Maldives) said that the spread of violent extremist ideology posed a serious security threat to small States, such as the Maldives. While extremists propagated the ideology of hate and division, counter-terrorism initiatives should not be promoted and fuelled by hate. Anti-Muslim and anti-immigration policies fuelled prejudices. The Maldives condemned all forms of support for and participation in any acts of terrorism and violent extremism and had taken a whole-of-Government approach to countering terrorism. Her delegation wished to seek more information on the gender dimension of counter-terrorism initiatives and best practices to support the women and girls negatively affected by those practices.

10. **Ms. Fontana** (Switzerland) said that States must respect the rule of law and international law in all national laws and measures for preventing and combating terrorism. The anti-terrorism strategy of Switzerland sought to prevent the stigmatization of minorities and discriminatory profiling practices. Her country encouraged States to include specific provisions prohibiting discrimination in their national anti-terrorist frameworks. She asked what measures should be taken to ensure effective integration policies with the aim of preventing political exclusion and socioeconomic marginalization.

11. **Ms. Mammadova** (Azerbaijan) said that it was critical to pay greater attention to the persistence of racial prejudices, negative stereotypes and hate speech by public officials and the media and violent attacks on groups with a view to creating ethnically homogenous societies. Particular attention should be given to the implementation of discriminatory practices in situations of foreign military occupation, including those aimed at changing the demographic and cultural characteristics of the occupied territories and preventing the forcibly displaced population from returning home. Fostering intercultural dialogue and encouraging tolerance and respect for diversity were the fundamental steps for combating racial discrimination and related intolerance. Azerbaijan continued to make a modest but practical contribution to intercultural dialogue through pioneering and supporting various initiatives, such as the World Forum on Intercultural Dialogue. In 2016, the Government had hosted the seventh United Nations Alliance of Civilizations Forum. By putting forward education and awareness-raising initiatives and creating a platform for the promotion of cultural dialogue, Azerbaijan made a practical input towards the implementation of many of the Special Rapporteur's recommendations.

12. **Ms. Moutchou** (Morocco) said that that her country was deeply troubled by certain official rhetoric and legislation that seemed, in some instances, to be racist and Islamophobic. Anti-immigration and anti-refugee policies violated numerous conventions of international human rights and humanitarian law and should therefore be avoided to maintain the credibility of international human rights procedures and mechanisms. Economic inequalities must be addressed in order to face the fight against terrorism without giving rise to an increase in racism, xenophobia and discrimination. The Special Rapporteur was welcome to visit Morocco.

13. **Ms. Matlhako** (South Africa) said that, in the light of the increase in contemporary manifestations of racial discrimination emerging from State counter-terrorism practices and the rise of xenophobic and racist speech, her country cautioned against associating any race with terrorism. There remained an imperative need for all Member States to take appropriate measures and clear action to combat and criminalize racial discrimination through the adoption of strong national legislation and the unequivocal condemnation of such acts. Her

delegation wished to raise its concern at the lack of implementation by the Special Rapporteur of the provisions of successive General Assembly resolutions to produce a report examining national models of mechanisms that measured racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices. It hoped that the incoming Special Rapporteur would give that task the priority it deserved.

14. **Ms. Grigoryan** (Armenia) said that the most dangerous form of hate dissemination and cultivation of racism and racial hatred towards other nations was the institutionalization of racism through open encouragement of the persecution of other ethnic or religious groups, nations or races or their specific representatives. Her Government condemned discrimination in all its forms and manifestations and strongly advocated the protection of the rights of ethnic, national and religious groups in international forums.

15. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that one of the challenges in combating racism in the counter-terrorism context was the fact that many prejudices were fuelled by the portrayal in the media and popular discourse of certain groups as dangerous, making it easier for their rights to be violated and for them to be marginalized and making it difficult for them to be integrated into the communities in which they lived. Another challenge was to ensure that individuals and communities were not reduced to single religious or racial identities.

16. With regard to counter-terrorism measures, although there were many good practices, in particular at the municipal level, they were not recorded and there were no opportunities for them to reach the national level or be shared beyond borders. It was therefore important to have a mechanism for sharing good practices. Counter-terrorism measures needed to be comprehensive and encompass legislative, educational and local-level measures; there was no one tool that was the most effective.

17. The gender dimension of discrimination needed to be continually examined. His mandate had not managed to conduct a major study in that area. It was important to understand the complexities of how different genders were affected by the challenge of discrimination.

18. With regard to the best way to design effective integration policies, the focus should be on not only the migrant or minority population but also the majority host population. For integration to be effective, the majority population needed to improve its understanding of the minority population or migrant groups. Migrant groups needed to have opportunities to participate fully in the socioeconomic life of the societies in which they lived. It was not enough to have legislation that prohibited discrimination; if individuals did not participate in economic life they would automatically be excluded from the enjoyment of political and human rights.

19. He regretted that he had never followed up on the recommendation to develop a tool for measuring national progress. His mandate, like most United Nations specialized mechanisms, unfortunately did not have the resources to follow up on most of the resolutions.

20. **Mr. Mushayavanhu** (Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards), delivering a progress report on the work of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, said that, in his view, the purpose of the Ad Hoc Committee was not merely to agree on new standards, but to develop ways of strengthening protection against the scourges of racism, racial discrimination, xenophobia and related intolerance. The Ad Hoc Committee had been established under paragraph 199 of the Durban Declaration and Programme of Action, which recommended that complementary standards be prepared to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance. However, the Ad Hoc Committee had faced challenges in fulfilling that mandate. The views of its members differed as to whether procedural gaps existed in the international human rights law framework and whether the international response to any such gaps should take the form of a new complementary standard. While the Ad Hoc Committee had discussed those gaps at each session and had agreed on some tentative recommendations, there had not been sufficient political will to deliver fully on the mandate established in 2007.

21. At the ninth session of the Ad Hoc Committee in April 2017, the Chairperson-Rapporteur had provided a text with a list of the topics that had been discussed. The text focused on four thematic areas — xenophobia, national mechanisms, procedural gaps in the Convention and racism in sport — and it identified potential points of agreement with respect to the development of complementary standards. He had also submitted recommendations based on discussions of previous sessions. Although the text had not been thoroughly discussed at the ninth session, he hoped it would provide a useful basis for future sessions. At the

tenth session, scheduled to begin in April 2018, the Ad Hoc Committee would commence negotiations on a draft additional protocol to the Convention that would criminalize acts of a racist or xenophobic nature.

22. While criminalization would be an important response to racist or xenophobic acts, other approaches to address the tenacious and multi-layered features of racial discrimination and xenophobia should be pursued as well. To that end, the Ad Hoc Committee should continue to discuss procedural gaps, national mechanisms and awareness-raising.

23. *Mr. Idris (Eritrea), Vice-Chair, took the Chair.*

24. **Ms. Wacker** (Observer for the European Union) said that a strong legislative framework was in place in the countries of the European Union to address racism and xenophobia. In 2008, the Council of the European Union had adopted a framework decision which obliged member States to criminalize certain forms of racism and xenophobia, and the Convention, to which all European Union members were States parties, provided the basis for all efforts to prevent, combat and eradicate racism. Focus should be kept on the full implementation of the Convention. There was no evidence of gaps in the Convention or that it failed to address contemporary forms of racism. The European Union could therefore not support the commencement of negotiations on an additional protocol to the Convention that would criminalize racist and xenophobic acts. Discussions were ongoing within the Ad Hoc Committee on the need for possible complementary standards, and other options, such as non-legally binding instruments, could be further explored on a consensual basis.

25. **Ms. Abdullah** (Iraq) said that the situation facing migrants was cause for concern, particularly during times of economic crisis, as they faced social exclusion and obstacles to exercising their rights. Many were victims of xenophobia, a problem which was often exacerbated by austerity measures and the tightening of immigration laws.

26. Social instability, the erosion of State power, and increased violence made it harder to protect minorities from incitement to hatred and religious bigotry. The international community should find immediate and long-lasting means of ensuring a stable and secure environment. Racial discrimination, deprivation and decreased access to social justice at the regional level would have implications for international peace and security.

27. The Government of Iraq complied fully with human rights instruments, and it would continue to work to prevent discrimination among its citizens by raising awareness of terrorism in the regions that had fallen under the control of Islamic State of Iraq and the Levant. It would also ensure that the families of the victims of terrorism received justice. The Government was also working towards the social reintegration of Iraqis from the liberated areas.

28. **Ms. Mkhwanazi** (South Africa) said that the international community was obliged under international law to take concrete measures to foster tolerance and respect for diversity. South Africa reiterated the importance of implementing the Durban Declaration and Programme of Action, as it was the only United Nations conference outcome that prescribed concrete measures and remedies for the elimination of racial discrimination.

29. All Member States needed to take clear action to criminalize racial discrimination and incitement to hatred and violence. South Africa supported the elaboration of complementary standards to the Convention that would fill in the substantive and procedural gaps in international law. In that regard, her delegation welcomed the recent decision of the Human Rights Council to commence negotiations on such complementary standards in 2018.

30. **Mr. Chekeche** (Zimbabwe) said that the global community must take pragmatic action to eliminate all forms of racial discrimination in conformity with existing international instruments, particularly the Durban Declaration and Programme of Action. The Ad Hoc Committee had met for ten years without making significant progress, and hence his delegation urged Member States to be more flexible and accommodating.

31. **Mr. Mushayavanhu** (Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards) said that the valuable contributions of delegations would enrich the work of the Ad Hoc Committee.

32. **Mr. Maan** (Iraq) said that his Government had done everything possible to liberate its territory and citizens from the grip of terrorist and extremist groups, and called for full support from the international community for its rebuilding efforts. Iraq had adopted a permanent constitution in 2005 after its transition from dictatorship to democracy, but the enemies of democracy and freedom had worked hard to foil the experiment by offering support to terrorists. National, regional and global strategies were needed to combat the phenomenon of foreign fighters, and a preventive approach was needed to address terrorist incitement, recruitment and training. United Nations anti-terrorism resolutions, especially Security Council resolution 2170 (2014), must be implemented.

33. **Mr. Monteiro** (Brazil) said that his delegation welcomed the focus on women and girls of African descent in the report of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent. Brazil had made significant progress in eliminating racial inequality and gender-based discrimination. The income of Afro-Brazilian women had almost doubled from 1995 to 2015 while for white men it had only increased by 11 per cent, resulting in a decrease in inequality. The percentage of Afro-Brazilian women without an income had decreased, and the number of Afro-Brazilians with a university degree had increased.

34. The 2030 Agenda for Sustainable Development provided an opportunity to advance human rights and sustainable development for people of African descent, but that aspiration could not be realized without addressing the historical disadvantages that affected that population. The Government believed that the nature of the discrimination faced by people of African descent worldwide, in particular discrimination arising from the legacies of colonialism and enslavement, called for specific actions and policies from the international community. The Brazilian Government believed that negotiations on a declaration of the rights of people of African descent would be a first step towards addressing that historical debt.

35. The Brazilian delegation was concerned about the rise of narratives of racial superiority. The resurgence of racism and xenophobia in mainstream political discourse was distressing and demanded an immediate response from the international community.

36. **Ms. Amadeo** (United States of America) said that everyone had a duty to stand up, speak out and condemn discrimination of any kind. Although combatting racism was a challenge for every country, including the United States, it must be acknowledged that ending racism was not achieved by Government action alone. In a free society, each citizen must choose not to hate or to tolerate hatred. The United States had established robust legal mechanisms to protect individual liberties and defend against discrimination and violence. The public school system taught children the importance of respect, civil rights and fundamental freedoms, and American culture celebrated diversity.

37. **Ms. Khalvandi** (Islamic Republic of Iran) said that it was regrettable that the world had witnessed an upsurge in intolerance, extremism and new forms of racism. The Iranian Government was concerned by xenophobic attacks on refugees and asylum seekers and by the racist language used by some politicians in the media. Some Western countries had seen rising levels of Islamophobia and the proliferation of political parties with open anti-Muslim and anti-minority agendas. The relationship between marginalization, social exclusion, disenfranchisement and racial hatred on one hand and mass atrocities on the other should not be underestimated.

38. The right of the Palestinian people to self-determination and an independent State had been quashed for seven decades by the Israeli occupation. Despite international efforts to end the catastrophic situation in the occupied Palestinian territories, the Israeli regime had continued to violate human rights with full impunity. Appalling racial prejudice could be found in every facet of Israeli life and discrimination between Jewish and non-Jewish populations was reminiscent of apartheid.

39. **Ms. Rasheed** (Observer for the State of Palestine) said that the right of peoples to self-determination was a fundamental principle of international law, enshrined in the Charter of the United Nations and the two International Covenants on human rights, that continued to be ruthlessly denied to generations of Palestinians living in the occupied State of Palestine including East Jerusalem under the longest occupation in modern history. The fifty-year Israeli occupation was as illegal as the violations perpetrated daily against the Palestinian people, depriving them of their human rights, fundamental freedoms, human dignity and security.

40. In the Gaza Strip, an entire population had been imprisoned, denied access to livelihoods and basic supplies including vital medicines, deprived of clean water and energy, and forced to live in the ruins of war for a decade. In 2017, the occupying Power had pursued its illegal polices of creating new facts on the ground by constructing settlements, Israeli-only bypass roads and the separation wall, expropriating land and transferring Israeli settlers.

41. Provocative statements from Israeli elected officials called for continued settlement expansion and annexation in defiance of the international consensus and international humanitarian, human rights and criminal law recognizing the destructive impact of settlement on the viability of the two-State solution based on the 1967 borders. The State of Palestine called again on the international community to move beyond condemnation and take action to end Israel's violations and occupation.

42. **Mr. Kodikunnil** (India) said that the increased human mobility and uneven economic impact resulting from globalization, together with intense armed conflicts in some regions, had led to an exodus of

refugees, all of which were factors contributing to growing fears and insecurity that translated into rising nationalism and xenophobia against different ethnic communities. It was important to counter false racist propaganda spread via social media.

43. India had long drawn strength from its diversity of ethnicities, religions, languages and cultures, aware of the importance of equal treatment and non-discrimination to lasting peace and prosperity. After centuries as victims of racism and colonial domination, the Indian people had led a valiant non-violent struggle for their freedom. The Constitution and legislation enshrined the principle of equality and non-discrimination on the grounds of race.

44. As a former colony, India had always led calls at the United Nations for the self-determination of subjugated nations and an end to colonialism and foreign occupation. However, self-determination in the sense of national sovereignty was sometimes intentionally conflated with non-colonial situations, encouraging misguided destabilization that could undermine pluralist and diverse societies and democratic states.

45. **Mr. Sigurosson** (Iceland) said that racism and xenophobia affected people around the world and required commitment at the national, regional, and global levels. It was important to work towards universal adherence and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Iceland urged the accession of all States not yet parties thereto.

46. His delegation welcomed the focus on the continuing human rights and democratic challenges posed by extremist political movements, whose rising influence in several countries was of concern. The increasing use of the Internet and social media to promote and disseminate racist content was unacceptable. The same groups attacking racial and ethnic minorities were also attacking individuals on the basis of sexual orientation or gender identity.

47. Greater collective vigilance and condemnation of all dissemination of ideas based on racial superiority or hatred were needed while protecting freedom of speech and promoting respect, non-discrimination, diversity and democracy.

48. **Ms. Dileym** (Saudi Arabia) said that her delegation welcomed the report of the Secretary-General on the right of peoples to self-determination (A/72/317), and agreed that persons living in Non-Self-Governing Territories should exercise control over their natural resources. However, the section of the report on the right of the Palestinian people to self-determination did not place enough emphasis on finding a solution to the conflict. The Palestinian issue was a main pillar of the foreign policy of Saudi Arabia, and, in that regard, the Government reiterated that its Arab Peace Initiative provided a comprehensive and lasting solution to the Arab-Israel conflict through the withdrawal of Israel from occupied Palestinian territory, the creation of a Palestinian State and a just resolution of the refugee question in accordance with General Assembly resolution 194 (III). Saudi Arabia also recalled the decision of the United Nations Educational, Scientific and Cultural Organization affirming that Aqsa Mosque was a part of Islamic heritage. Any attempts by Israel to change the character of the city of Jerusalem or its legal status through legal and administrative measures were invalid.

49. With respect to the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/72/286), Saudi Arabia was fully aware of the danger posed by such mercenaries. The Government was determined to combat the use of mercenaries and thwart their attempts to commit sabotage and engage in malicious intrigue.

50. **Ms. Kipiani** (Georgia) said that her country had adopted measures, including the National Human Rights Strategy and Action Plan, to guarantee the equal rights of all members of society irrespective of gender, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity. In 2015, a law aimed at eliminating all forms of discrimination and guaranteeing the equal rights of ethnic minorities, together with a State Strategy for Civic Equality and Integration and Action Plan for 2015–2020, had been adopted to place human rights at the heart of national policies.

51. Georgia was gravely concerned at the continued ethnically-targeted violations denying access to property, religious sites, education and healthcare for Georgians residing in Russian-occupied Abkhazia and Tskhinvali/South Ossetia, where the Georgian language had been banned as a language of instruction in schools. In 2017, the Russian occupation forces had intensified ethnic discrimination against Georgians in those regions, forcing Gali residents to register as foreigners and adopt Abkhazian names to enjoy basic human rights. It was alarming that the Office of the United Nations High Commissioner for Human Rights, Special Rapporteurs and other human rights bodies were repeatedly denied access for monitoring purposes.

52. **Ms. Ozceri** (Turkey) said that universal ratification and effective implementation of the

Convention on the Elimination of All Forms of Racial Discrimination were imperative to eliminate racism and xenophobia. National efforts should be guided by legislation, but targeted policy tools, meaningful budgets and effective monitoring were also essential. The international community faced the increasingly urgent need to address new forms of racism, such as xenophobic nationalism, anti-Semitism and Islamophobia.

53. Migrants and other vulnerable groups continued to be subject to alarming inequality, prejudice, stereotyping, stigmatization, intolerance and attacks, which had a detrimental impact on the sense of security in Muslim and migrant communities. Neo-racist, xenophobic and Islamophobic incidents remained severely underreported or misreported, undermining the accuracy of trends globally and hampering efforts to address root causes. It was important to improve the monitoring and reporting of hate crimes and the collection of disaggregated data to shed more light on manifestations of hostility.

54. Comprehensive legal, administrative and educational measures were needed to eradicate stereotypes and prejudices. While country visits of the international mechanisms prompted examinations of rising trends locally, contemporary trends in racism, intolerance and discrimination should be addressed openly in all relevant forums, with effective cooperation between relevant mechanisms to avoid duplication.

55. **Ms. Sukkar** (Jordan) said that the right to self-determination was a fundamental pillar and key principle of human rights, without which other rights could not be enjoyed. The question of Palestine was of crucial important to the Middle East and Jordan and required a permanent solution. Her country firmly believed in the Palestinian people's right to self-determination, which was fundamental to political stability in the region.

56. Her delegation stressed the need to revive specific and efficient negotiations between Palestine and Israel that must target a two-State solution. The essential acceptance of Israel in the region and the Arab Islamic world would not be possible without the cooperation of the Palestinian people. An independent Palestinian State must be created within the 1967 borders with east Jerusalem as its capital. No pretext justified violation of the rights of the Palestinians. Granting them the right to self-determination would help to create peace and stability in the international community.

57. Jordan called on Israel to end its unilateral actions that were impeding negotiations on fundamental issues including its settlement activities, separation wall, demolition of homes, confiscation of land and other acts violating fundamental and international rights. Her country rejected all Israeli measures to change the demographic and historic character of Jerusalem and desecrate Christian and Muslim holy sites. Jordan remained responsible for holy sites in east Jerusalem, particularly the Al-Aqsa Mosque.

58. **Mr. Munir** (Pakistan) said that the right to self-determination must be exercised freely without coercion or repression, must not lapse over time, and must not be obfuscated by deliberate conflation with terrorism. In Indian-occupied Kashmir, people had been subjected to ruthless foreign domination for over 70 years despite the adoption of Security Council resolutions 91 (1951) and 122 (1957) on Jammu and Kashmir regarding the expression of the will of the people through a free and impartial plebiscite.

59. The people of Jammu and Kashmir continued to face widespread repression and violations of human rights that had been routinely documented by many independent human rights organizations. His delegation reaffirmed that the Jammu Dispute would remain on the United Nations agenda until its democratic resolution.

60. Pakistan was concerned at the rise of racism and xenophobia, which it strongly rejected. Religious discrimination had the potential to trigger civilizational clashes, posing a grave threat to global peace and security. A unified stand was needed against those who incited violence by stereotyping and defaming religious beliefs and employing hate speech.

61. **Ms. Pritchard** (Canada) said that racism rejected the truth asserted in the Universal Declaration of Human Rights that all humans were members of the same family, equal in dignity and rights. Racialized individuals often faced barriers to housing, education, employment, social services and other dimensions, and experienced economic exclusion and negative health and education outcomes, often with intergenerational impacts.

62. Canada had arisen from the European colonization of indigenous territories, and now had a diverse population with immigrants from all countries. The Prime Minister had recently informed the General Assembly of efforts to right historical wrongs towards indigenous peoples who, like African Canadians, were over-represented in the correctional system and under-represented in public leadership positions. A parliamentary committee was currently holding public hearings on systemic racism and religious discrimination in the country.

63. Corrective structural measures included legal frameworks to address racial discrimination and institutional reviews, but racism must also be uprooted from hearts and minds. Leaders could set a respectful tone and States could support stakeholders promoting inclusion. Canada embraced a positive ideal of an inclusive society, where differences were respected and celebrated. Commitment to inclusion informed its immigration and refugee systems, human rights and multiculturalism policies, and path towards National Reconciliation.

64. **Ms. Mkhwanazi** (South Africa) said that the right to self-determination was inalienable and universal, and an essential prerequisite for the enjoyment of all human rights and fundamental freedoms. The Government attached great importance to decolonization and deemed foreign and military occupation, aggression and domination a serious violation of human rights.

65. Her country was concerned that little progress had been made on violations of the right to self-determination of the Sahrawi people despite numerous General Assembly resolutions expressing grave concern. South Africa remained steadfast in addressing the persistent denial of self-determination to the Sahrawi. The right of Palestinians to self-determination and statehood had also resonated in the reports presented. The ongoing illegal occupation of Palestinian territories resembled the brutal oppression under apartheid and was a flagrant violation of the universal right to self-determination.

66. Her delegation appreciated the extensive consideration of both situations in the Report of the Secretary-General, and concurred with the need for Human Rights Council and treaty-monitoring body mechanisms to address the right to self-determination under treaty law. South Africa welcomed the reaffirmation of justiciability through the work of the Committee on Economic, Social and Cultural Rights.

67. **Mr. Rai** (Papua New Guinea) said that the Secretary-General's report on the right to self-determination was another reminder of the indignity of colonialism and the unfinished business of decolonization. As the Third International Decade for the Eradication of Colonialism approached its end in 2020, it was incumbent on the United Nations to safeguard the inherent dignity and fundamental, equal and inalienable rights of peoples in Non-Self-Governing Territories, seventeen of which remained in the shackles of colonialism despite the 1960 adoption of the Declaration on the Granting of Independence to Colonial Countries.

68. While efforts to promote social progress and better standards of living for the peoples of Non-Self-Governing Territories were to be applauded, freedom, justice and peace were the cornerstones that would make a real difference. His delegation welcomed the 2018 self-determination referendum for New Caledonia and the joint efforts of the people of the Territory, the administering Power and the United Nations in the process provided for under the Nouméa Accord.

69. Stressing the importance of implementing the key conclusions and recommendations made by the United Nations visiting mission to New Caledonia in 2014, particularly a fair and transparent election, he urged the administering Power to permit a second visit before the self-determination referendum to ensure that the result was respected by all.

70. **Mr. Onanga Ndjila** (Gabon) said that Gabon had translated into action the updated recommendations of the outcome document of the 2001 Durban Conference permitting Member States to impose sanctions against advocacy for national, racial or religious discrimination, which was also prohibited by the Gabonese Constitution. The culture of dialogue, peace and acceptance of others at the heart of the Government's policies also helped to stem racism, xenophobia and intolerance, which should be combated using specialized regional and national institutions.

71. Studies conducted by the National Centre for Scientific and Technological Research examined the prevention and combating of all forms of racism and xenophobia. Gabon was a host country to many migrants and asylum seekers from Africa and beyond, and was a party to the 1951 Geneva Convention relating to the Status of Refugees.

72. In 2016, the Government had created the Ministry of Equal Opportunity and Gabonese Abroad tasked with proposing legislation and regulations to strengthen national anti-discrimination measures, and in 2017 had instituted the Observatory of Inequalities to combat discrimination and inequality.

73. **Archbishop Auza** (Observer for the Holy See) said that racism, xenophobia and related intolerance were contrary to the inalienable rights and dignity of every person, and found expression in anti-Semitism, anti-Muslim sentiment, persecution of Christians, religiously or ethnically-motivated harassment or violence, human rights and democratic challenges from extremism, terroristic incitement to hatred, and scapegoating of migrants, asylum seekers and refugees.

74. The adoption of the Convention on the Elimination of All Forms of Racial Discrimination, and the Durban

Declaration and Programme of Action had demonstrated the international community's determination to act against all forms of racial discrimination. The Holy See had signed the Convention in 1966 and ratified it in 1969, and believed that racism was an offence to human dignity, a threat to peaceful, just and inclusive societies, and an obstacle to sustainable development worldwide.

75. The ongoing processes for the Comprehensive Refugee Response Framework and global compact for safe, orderly and regular migration were an unprecedented opportunity to oppose intolerance, racial discrimination and xenophobia against migrants, refugees and their families and protect their fundamental human rights. Pope Francis reminded the world to view migrants and refugees not as a problem to be solved but brothers and sisters to be welcomed, respected and loved. Human rights education played a key role in fostering social cohesion, promoting respect for human dignity and developing a culture of human rights.

76. **Mr. Joshi** (India), speaking in exercise of the right of reply, said that the role of Pakistan as an epicentre and a safe haven for terrorists needed no explanation. Not only the people of India, but also the region and beyond, faced daily struggles owing to the brutalities inflicted by terrorists and ideologies emanating from Pakistan. However much Pakistan might covet the territories of others, the state of Jammu and Kashmir was, and would remain, an integral part of India.

77. **Mr. Zulqarnain** (Pakistan), speaking in exercise of the right of reply, said that it was unfortunate that India had once again chosen to mislead the international community by presenting a distorted version of reality. A lie remained a lie no matter how many times it was repeated. India had been forcefully occupying Jammu and Kashmir for over 70 years and had turned the region into the most militarized part of the world. Yet, its illegitimate control was rejected by the people of Kashmir, who protested the occupation daily, braving the tyranny and repression of Indian security forces and demanding their inalienable right to self-determination. That right had been promised to them in several United Nations resolutions, which were agreed upon by the Governments of India and Pakistan and supported by the international community. The people of Indian-occupied Jammu and Kashmir continued to look to the international community to deliver on its pledges to hold a free, fair and impartial plebiscite under United Nations auspices to enable them to decide their future. India could not wish away the issue of Kashmir by running away irresponsibly from the negotiating table. Its aggressive and hegemonic designs were not sustainable; regional peace and stability and the future of millions of people in South Asia were linked to the peaceful resolution of Kashmir, over which nuclear-armed India and Pakistan had fought four wars. The onus was on India, which should respect the Security Council resolutions and honour the promises it had made to generations of Kashmiri people.

The meeting rose at 5.45 p.m.

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Chair: Mr. Gunnarsson ..... (Iceland)

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The meeting was called to order at 10.05 a.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/72/18 and A/72/291)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/72/285, A/72/287, A/72/319, A/72/323 and A/72/324)

Agenda item 71: Right of peoples to self-determination (*continued*) (A/72/137 and A/72/286)

1. **Mr. Ajayi** (Nigeria) said that the elimination of racism, racial discrimination, xenophobia and related intolerance remained a global challenge and a priority for his country, as its constitution prohibited all discrimination based on race, nationality, ethnicity or tribe. The notion of racial superiority was repugnant and had no place in modern society. Nigeria strongly condemned all acts of religious hatred and incitement to discrimination, hostility and violence, and wished to see a consensus within the international community on ensuring a world free of racism. Universal ratification and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action should be the normative basis for international efforts to eliminate racial discrimination.

2. Reaffirming its support for the International Decade for People of African Descent and noting the Secretary-General's call for the mainstreaming of agendas for women and girls of African descent in the political and socio-economic spheres of national life, his delegation welcomed the proposed global campaign to counter xenophobia and the concrete measures being taken to improve the human rights situation of people of African descent worldwide, and supported the call to strengthen intercultural dialogue, tolerance and respect for diversity. Nigeria was deeply concerned at the human rights violations to which migrants and refugees were exposed, sometimes with the complicity of Governments, and urged transit and destination countries to treat migrants with dignity and respect regardless of nationality or immigration status, calling on the international community to formulate a comprehensive rights-based response to tackle the root causes of migration and migrant vulnerability.

3. **Ms. Horbachova** (Ukraine) said that her country's legislation guaranteed respect for human rights, fundamental freedoms and equality in political, economic, social, cultural and other spheres of public life for all citizens, irrespective of race, colour, nationality or ethnicity. In 2016, Ukraine had presented two periodic reports on the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination. Human rights instruments offered a strong international framework for eliminating racism, xenophobia and related intolerance, which persisted throughout the world and required urgent capacity-building for effective application of existing legislation and engagement with Government actors and civil society organizations.

4. Since the beginning of its occupation of the Autonomous Republic of Crimea and the Ukrainian city of Sevastopol, the Russian Federation had mounted a broad campaign against ethnic Ukrainians and the Crimean Tatar community, who faced continuing harassment, abuse and restrictions. The occupying authorities were imposing ethnic Russian dominance on the peninsula with a campaign of cultural erasure through discrimination. The Government of Ukraine had instituted proceedings for violations of the International Convention on the Elimination of All Forms of Racial Discrimination through the International Court of Justice, which had ordered Russia to refrain from limiting the ability of the Crimean Tatar community to conserve its representative institutions, to ensure the right for Ukrainian citizens to study the Ukrainian language, and to avoid aggravating or extending the dispute. Six months later, the Russian Federation had still failed to implement the order in full.

5. Moreover, the Russian Government had been endorsing far-right and paramilitary movements and approving their participation in the ongoing aggression against Ukraine in a hybrid warfare strategy while the State-owned media encouraged ethnic hostility through hate propaganda. Her delegation urged the Russian Federation to immediately cease all acts of racial discrimination against persons, groups or institutions, particularly in the occupied territories.

6. **Mr. Poveda Brito** (Venezuela) said that the racist and xenophobic discourse prevailing in some countries was exacerbating intolerance, violence, fear, supremacism and the suffering of vulnerable groups based on their social situation, ethnicity, religion, nationality or language. The rising use of new information and communications technology was also helping to spread messages of hate and intolerance, generating global tensions that undermined peace efforts.

7. Refugees and migrants fleeing armed conflicts or distressing situations were often victims of discrimination and mistreatment that violated their human rights and freedom, despite the important contribution they made to their host societies. Venezuela had been a welcoming country of destination for migrants from around the world for decades and had worked tirelessly to promote a culture of coexistence and tolerance in its multi-ethnic and multicultural society, opposing all manifestations of racism, xenophobia and intolerance and discrimination based on birth, sex, race, religion, language, sexual orientation or other personal or social status.

8. The Law against Racial Discrimination had been passed to prevent and punish racial discrimination and provide victims with recourse to justice, and the National Institute for Combating Racial Discrimination addressed specific cases of discrimination and consolidated the institutional framework. Venezuela rejected all attempts to promote racist practices or ideologies based on racial, ethnic or religious superiority, and all manifestations of racism or xenophobia, nationalist exceptionalism, advocacy of hatred and racial discrimination. The resurgence of those trends was a serious setback for national and international coexistence, a threat to new generations and a main cause of violent extremism and terrorism.

9. **Mr. Narteh-Messan** (Togo) said that the Committee on the Elimination of Racial Discrimination had spared no effort to make its working methods more efficient and adopt new approaches. Despite its progress over the past fifty years, multiple challenges remained, including the inability or reluctance to acknowledge and denounce acts of racial discrimination. His delegation therefore welcomed the Special Rapporteur's report on combating glorification of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/72/291), and shared concerns at the sharp increase in racist and xenophobic incidents worldwide and the continued targeting of vulnerable groups, including migrants and asylum seekers.

10. Togo reaffirmed its condemnation of all manifestations of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief. His country had taken statutory and regulatory measures to combat all discrimination, including accession to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education. The new penal code incorporated the elements of the definition of racial discrimination set out in the Convention on the Elimination of All Forms of Racial Discrimination and established custodial sentences and fines for acts of discrimination. Togo would continue work on improving its legal system to take all provisions of the Convention into account. His delegation supported the Special Rapporteur's assertion that education remained the most effective means of combating the potential negative influence of political parties, movements and extremist groups on young people.

11. **Ms. Sucharikul** (Thailand) said that her country was a pluralistic, culturally diverse nation whose openness was at the source of its vibrant economic, social and cultural life and development. Thailand reaffirmed its commitment to the elimination of all forms of racism and discrimination, and its Constitution guaranteed equality, rights and liberties, and equal protection under the law for all persons. Committed to implementing obligations under the International Convention of the Elimination of All Forms of Racial Discrimination, her country had in October 2016 withdrawn its reservation to article 4 on the prohibition of incitement of racial hatred.

12. Thailand had ratified the International Labour Organization Convention concerning Discrimination in Respect of Employment and Occupation and attached importance to political commitments made in the Durban Declaration and Programme of Action as well as the New York Declaration for Refugees and Migrants. At the Leaders' Summit on Refugees in September 2016, the Prime Minister had also pledged additional assistance for displaced persons.

13. Social harmony could only be achieved through communication between migrants and host communities based on mutual respect and understanding. Thailand recognized the contribution of migrants to economic development and had benefited from a large migrant labour force coming mainly from neighbouring countries. Ensuring the legal status of all persons was key to facilitating access to rights and public services. Thailand strongly supported education and health for all without discrimination, and would further expand its universal health coverage and education-for-all schemes to include migrants.

14. **Ms. Grigoryan** (Armenia) said that her country strongly supported the protection of rights of ethnic, national and religious groups in international forums. In November 2017, the Organization for Security and Cooperation in Europe would hold a conference in Yerevan on "Countering and preventing hate crimes against Christians and members of other religious groups". The most dangerous means of disseminating hate and cultivating racial hatred was the

institutionalization of racism, as Azerbaijan was doing, by openly encouraging the persecution of other groups, nations or races.

15. Equal rights and self-determination of peoples were fundamental principles of the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Unfortunately, not all States were complying with those obligations. The people of Nagorno-Karabakh had fought historical injustice and persistent discrimination throughout seventy years of Azerbaijani rule, only to face ethnic cleansing by the newly independent Azerbaijan at the beginning of 1990s. Nagorno-Karabakh was struggling for self-determination and freedom from a despotic Azerbaijani regime that glorified Ramil Safarov, the murderer of an Armenian officer. The use of force could only exacerbate the situation and eventually trap the parties in protracted conflict. The human rights and fundamental freedoms of those residing in conflict areas should be upheld regardless of the legal status of the territories.

16. **Ms. Bellout** (Algeria) said that the right to self-determination was enshrined in the Charter of the United Nations and guaranteed pursuant to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Violation of the right of colonized peoples to self-determination was a form of racial discrimination and impeded their enjoyment of all other human rights. It was critical, therefore, to ensure that all peoples living in the 17 Non-Self-Governing Territories listed by the United Nations were allowed to exercise that right by participating in free and impartial plebiscites as, indeed, was called for in the relevant United Nations resolutions. Algeria would continue to support the right of all colonized peoples to take part in such plebiscites, including, in particular, the Sahrawi people, who had suffered under colonialism for more than four decades.

17. **Mr. Kadiri** (Morocco) said that the international community was in agreement on the evolving nature of international law, but a number of countries were unfortunately trying to freeze the interpretation of self-determination to an outdated notion from the 1960s. Self-determination had been enshrined in the Declaration on the Granting of Independence to Colonial Countries and Peoples. Subsequently, to address States' concerns and prevent an exclusive interpretation of the principle of self-determination, a resolution regarding its implementation had defined three options for self-determination: independence, free association with an independent State and integration with an independent State. That resolution had in turn been complemented by the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which reiterated that self-determination could take different forms, including any political status freely determined by a people.

18. From a legal perspective, the exercise of self-determination was framed by the fundamental principle of territorial integrity. Self-determination could not be construed as authorizing or encouraging any actions that would dismember or impair the territorial integrity or political unity of a sovereign and independent State. In practice, the exercise of self-determination had undergone major developments. Although the main function of the principle had been to dismantle the colonial empires in the 1960s, the principle of self-determination was now being used to democratize Nation States to avoid balkanization and to guarantee peace and stability both regionally and internationally.

19. Following the proliferation of independence movements in the 1960s, the general international trend had supported autonomy, expressed through local democracy, economic participation, and the preservation and promotion of tribal, linguistic and cultural identities. In many situations, autonomy allowed for going beyond the status quo, in order to cultivate peace, trust and reconciliation. It was essential to go beyond the exclusive perception of self-determination and outdated independence-focused ideologies, and look towards new forms of self-determination that would allow populations to fully enjoy their rights, development and well-being.

20. His delegation regretted that self-determination continued to be the subject of contentious interpretations, in violation of the relevant international instruments. The interpretation of self-determination could not be reduced to a single meaning. It was deplorable that, despite the legal and practical developments concerning self-determination, it was still inaccessible for the indigenous Kabyle people in Algeria, owing to that country's dispute with Morocco over its Saharan territory under the guise of self-determination. His delegation called on the international community to intervene and guarantee the Kabyle their rights to self-determination and linguistic and cultural autonomy.

21. **Mr. Mikayilli** (Azerbaijan) said that the rise of anti-Muslim rhetoric was an alarming trend, and his country rejected any attempt to equate Islam with violence and terrorism. Political and religious leaders and the media had an important role to play in

combating racism and xenophobia and promoting respect for diversity. Azerbaijan was a multi-ethnic country with State policy that promoted intercultural and interreligious dialogue and multiculturalism. Located at the crossroads of the East and West and a member of the Organization of Islamic Cooperation and the Council of Europe, the country had made tremendous efforts in building bridges among different civilizations globally.

22. Armenia's continued military aggression and occupation of a significant portion of Azerbaijani territories and its ethnic cleansing against Azerbaijanis aimed at creating an ethnically homogenous society were an integral part of Armenia's policy of hatred based on historical, cultural, racial and religious prejudices. The Government of Armenia had openly adopted Nzhdehism, the racist ideology of the Armenian Nazi collaborator Garegin Nzhdeh that fostered irrational nationalistic sentiments including the superiority of the Armenian people, a drive towards territorial expansion and a preference for war over peace.

23. The right to self-determination was applicable to peoples of Non-Self-Governing Territories and peoples subjected to alien subjugation, domination and exploitation, including those under foreign military occupation. Nevertheless, there were instances of flagrant misinterpretation of the right to self-determination, especially when it was used to justify the unlawful use of force, military occupation and unilateral secession from independent States supported by outside forces, as was the case with the continued aggression by Armenia against Azerbaijan.

24. Armenia spared no effort to impose the view that the principle of self-determination could be applied to unilateral secession for the Armenian ethnic minority group living in Azerbaijan. However, the realization of any right could not be achieved through illegal means. The fact that the illegal situation continued because of political circumstances did not mean that it was therefore rendered legal. In situations of armed conflict, no peace could be reached that was inconsistent with peremptory norms of international law, which included the prohibition of aggression, genocide and racial discrimination.

25. **Ms. Al Hammadi** (United Arab Emirates) expressed condolences to the people and Government of the United States of America for the deaths caused by the previous day's terrorist attack in New York.

26. She said that human rights principles, including the principle of non-discrimination, were enshrined in her country's Constitution and safeguarded in its legislation. The United Arab Emirates continued to take all necessary steps to ensure its full compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and was working with all relevant domestic and international stakeholders to strengthen respect for human rights and establish a culture of tolerance and peaceful coexistence: a particularly important objective for the country, which hosted nationals from some 200 States. Indeed, in its concluding observations on the combined eighteenth to twenty-first periodic reports of the United Arab Emirates (CERD/C/ARE/CO/18-21), published in September 2017, the Committee on the Elimination of Racial Discrimination had commended the significant progress achieved by her country in that regard, as well as its efforts to promote social justice, workers' rights and gender equality and to combat human trafficking.

27. In 2016, the United Arab Emirates had appointed a minister of tolerance to facilitate the country's efforts to combat all forms of extremism and discrimination and entrench a culture of mutual respect, pluralism and inter-cultural and interreligious dialogue. The Government had also launched the National Tolerance Programme in order to combat all forms of discrimination on grounds of race, religion and national origin and promote peaceful coexistence, and had established the International Institute for Tolerance, which was collaborating with the Sawab Centre, which strove to counter extremist propaganda, as well as with the Hedayah International Centre of Excellence for Countering Violent Extremism in order to promote coexistence and foster dialogue among societies worldwide.

28. The United Arab Emirates was extremely concerned that thousands of innocent people had been forced from their homes because of their race or religion, and, in that connection, called on the United Nations to shoulder its responsibility to resolve the world's ongoing humanitarian and political crises and address their very serious repercussions. Her country would continue to work closely with the mechanisms and specialized agencies of the United Nations system with a view to combating racial discrimination, and would continue to provide financial support to the relevant United Nations funds and programmes, including the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

Statements made in exercise of the right of reply

29. **Ms. Grigoryan** (Armenia) said that the delegation of Azerbaijan appeared to be a follower of the Nazi propaganda strategy according to which, if a lie was big enough and repeated often enough, people would

eventually come to believe it. In reality, owing to the self-defence organized by Garegin Nzhdeh against foreign invasion, the Armenian population of Zangezur had been spared the same fate as the Armenian population of Nakhchivan, which had been subjected to atrocities and ethnic cleansing by Azerbaijanis and their collaborators. Nzhdeh had become a national hero for protecting Armenians from ethnic cleansing during the foreign invasion, whereas Ramil Safarov had become the national hero of Azerbaijan for executing Armenian officers in their sleep during military training.

30. The attempts made by Azerbaijan to deprive the people of Nagorno-Karabakh of their right to self-determination had resulted in ethnic cleansing, aggression and barbarism unleashed by Azerbaijan against the people of Nagorno-Karabakh. Large-scale military aggression by Azerbaijan against Nagorno-Karabakh in April 2016 had been accompanied by gross violations of international humanitarian law in an apparent attempt to terrorize the people of Nagorno-Karabakh. The images of atrocities, including beheadings, of the kind committed by Islamic State in Iraq and the Levant, had been circulated on Azerbaijani media in a self-congratulatory manner. The perpetrators had been publicly decorated by the authorities. Those inhumane brutalities were reminiscent of the horrors of the past, the deportation and massacres of Armenians in Baku and elsewhere in Azerbaijan, preceded and followed by other atrocities in Nagorno-Karabakh itself. The four-day military aggression by Azerbaijan in April 2016 had demonstrated that nothing had changed in practice. The aspiration of the people of Nagorno-Karabakh to self-determination had been legitimate at that time and remained legitimate. As in the early 1990s, Azerbaijan had once again demonstrated its total and irreversible loss of any claim of jurisdiction over the people of Nagorno-Karabakh. That military aggression against Nagorno-Karabakh had claimed more than 100 lives, including those of civilians, women and children.

31. Rather than preparing its population for peace, as had been requested by the Co-Chairs of the Minsk Group, Azerbaijan had for years been fuelling anti-Armenian propaganda. The 2016 report on Azerbaijan by the European Commission against Racism and Intolerance stated that political leaders, educational institutions and the media had continued to use hate speech against Armenians. An entire generation of Azerbaijanis had grown up listening to that hateful rhetoric.

32. There was no alternative to a peaceful settlement of the conflict with the intermediation of the Co-Chairs of the Minsk Group. To demonstrate its commitment to such a peaceful settlement, Azerbaijan should immediately and unconditionally implement the recent agreements on the establishment of mechanisms to investigate cease-fire violations.

33. **Mr. Mikayilli** (Azerbaijan) said that the Armenian statement was full of distortions and his delegation rejected it categorically. It showed that Armenia was trying to mislead the international community.

34. The Armenian delegate considered Nzhdeh to be a national hero, but he had been a staunch Nazi collaborator and a general in the Waffen SS. Such people and their teachings were massively promoted by the Government of Armenia. The programme of the ruling Republican Party openly recognized Nzhdeism as a national ideology and it was included in the curriculum of secondary and higher schools. As a result, the younger generation was being brought up in that spirit. Numerous public places were named after Nzhdeh, and monuments had been unveiled in the presence of high-ranking officials not only to Nzhdeh but also to many convicted war criminals and terrorists. Armenia should abandon that racist ideology and learn to live in peace with its neighbours.

35. Armenia had unleashed a war against Azerbaijan, attacked Azerbaijani cities and territories, carried out ethnic cleansing on a massive scale, and destroyed the cultural heritage of the Azerbaijani people. In 1993, the Security Council had adopted four resolutions condemning the use of force against Azerbaijan and the occupation of its territories, and demanding the immediate, full and unconditional withdrawal of occupying forces from all the occupied territories of Azerbaijan. The Council had confirmed that Nagorno-Karabakh was part of Azerbaijan and reaffirmed its respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its international borders.

36. It was also essential to recall the direct involvement of the current political and military leadership of Armenia in brutal massacres that had claimed the lives of thousands of Azerbaijani civilians, including children, women and the elderly. Evidence of the special status those terrorists and war criminals had in Armenia could also be seen in their glorification at the State level. They had been elevated to the level of national heroes and had State decorations bestowed upon them.

37. The past and current leadership of Armenia was well known for its promotion of hate speech and its incitement to violence. Speaking before the Council of Europe in Strasbourg, a former president of Armenia had talked about the ethnic incompatibility of Armenians and Azerbaijanis. The President of the

Council of Europe at the time had said that the Council had never before heard the term "ethnic incompatibility".

38. In 2014, the president of Armenia had made another racist statement. Taking pride in the destruction by Armenia of Azerbaijani cities and the killing of Azerbaijani citizens in the occupied territories, he had threatened to unleash ballistic missile attacks on the territory of Azerbaijan. He had claimed that those missiles had a range of over 300 kilometres and could destroy any Azerbaijani settlement such as the city of Ağdam in one of the occupied areas of Azerbaijan.

39. **Ms. Grigoryan** (Armenia) said that it was disappointing that Azerbaijan continued to mislead the international community on the issue of Nagorno-Karabakh by making false allegations that Armenia rejected. Azerbaijan had recognized that the equal rights and self-determination of peoples should be among the principles of conflict resolution in the case of Nagorno-Karabakh. Denying the rights of the people of Nagorno-Karabakh at the present meeting was contrary to what had already been agreed upon by the highest authorities of Azerbaijan.

40. Furthermore, Azerbaijan had, as usual, referred selectively to only some provisions of the relevant Security Council resolutions, which not only made no reference to the armed forces of Armenia, but also clearly indicated that the territory of Nagorno-Karabakh and the surrounding military security zone were under the control of the Nagorno-Karabakh defence army. The resolutions also included condemnations of the violation of cease-fires and demands for immediate cessations of hostilities, all measures that were clearly addressed to Azerbaijan and had been rejected by that country. Moreover, all Security Council resolutions recognized Nagorno-Karabakh as a party to the conflict. Therefore, if Azerbaijan wished to make progress towards implementing those resolutions, it should first and foremost reach out to the authorities of Nagorno-Karabakh. The resolutions did not give Azerbaijan the right to commit mass atrocities against the people of Nagorno-Karabakh.

41. **Mr. Mikayilli** (Azerbaijan) said that the glorification of Nzhdeh and others who had collaborated with the Nazis during World War II was a sign of disrespect for the millions of Soviet soldiers who had died during that war.

42. Regarding the April 2016 hostilities, Azerbaijan had taken appropriate measures to counter the use of force by Armenia in order to protect its own territorial integrity and sovereignty and to ensure the safety of the civilian population. Armenia could not deny that, from the start, hostilities had been conducted exclusively in the territories of Azerbaijan.

43. The occupation of the territories of Azerbaijan by Armenia was the main obstacle to the resolution of the conflict. Armenia had purposefully derailed the peace process and continued to consolidate the current status quo of occupation by strengthening its military build-up in the territories and changing the demographic, cultural and physical character of those territories. Armenia should understand that military force was not a solution and would never lead to an outcome desired by Armenia. It should therefore end its provocation, engage constructively in the conflict settlement process, and withdraw its armed forces from Azerbaijan. It should also implement Security Council resolutions and resolutions of other international organizations.

44. In the concluding observations of its periodic report on Armenia, the Committee on the Elimination of Racial Discrimination had expressed its concern over the absence of legislation criminalizing racist organizations and participation in such organizations, and over the use of racist hate speech and discriminatory statements in public discourse including by public and political figures and in the media. The Committee's recommendation was that Armenia should take measures to condemn and distance itself from such public discourse.

45. **Mr. Lukiantsev** (Russian Federation) said that Georgia should recognize the new political realities. The two sovereign States of South Ossetia and Abkhazia had their own Governments and their own legal systems.

46. He would disregard the statement made by the representative of Ukraine regarding an alleged occupation by the Russian Federation. Instead, it should be recalled that the people of Crimea had exercised their right to self-determination in March 2014, and that the right to self-determination was enshrined not only in the United Nations Charter but also in the international human rights covenants and in the 1970 Declaration on Friendly Relations. The residents of Crimea enjoyed all human rights and freedoms to which they were entitled under the constitution of the Russian Federation and international agreements signed by the Russian Federation. Persons who considered that their rights had been violated had the right to use all existing legal means to seek legal protection and request the courts to restore those rights. According to the statistics of the legal system in the Republic of Crimea and in the federal city of Sevastopol, the system was working more than effectively.

47. **Ms. Kipiani** (Georgia) said that it was regrettable that the comments of the Russian Federation merely

served the purpose of misleading the international community. The Russian Federation was continuing its policy of violating Georgian sovereignty and territorial integrity by breaching the United Nations Charter, the 2008 six-point cease-fire agreement brokered by the European Union, the norms and principles of international law and all Security Council resolutions on Georgia.

48. The Russian Federation continued to occupy 20 per cent of the sovereign territory of Georgia. Several waves of ethnic cleansing against Georgians and other crimes committed in the occupied territories had been confirmed in numerous international documents by the United Nations Security Council, the Organization for Security and Cooperation in Europe and others.

49. **Ms. Horbachova** (Ukraine) said that it was regrettable that the Russian Federation continued to deny reality, especially the fact that the international community recognized the Russian Federation as an occupying Power. The actions of the Russian Federation in Ukraine constituted serious crimes against international peace, and the Russian Federation was blatantly violating its international obligations, especially General Assembly resolutions on territorial integrity and the human rights situation in Crimea, and had ignored requests by the Office of the High Commissioner for Human Rights for full access by international human rights monitoring missions to Crimea. Occupied Crimea had thus become a territory of repression.

50. The Russian Federation should remember that the Crimean nation did not exist. There were ethnic Ukrainians and Crimean Tatars but there was no Crimean nation. Furthermore, self-determination could not be conducted in violation of Ukrainian and international law and with the direct use of the hostile armed forces of the Russian Federation. The Russian Federation should therefore cease its wrongful acts in Ukraine, stop its aggression and put an end to its tactics of increasing human suffering.

51. **Mr. Lukiantsev** (Russian Federation) said that the delegation of Ukraine had repeatedly claimed that there was no such thing as a Crimean people with a right to self-determination. In reality, the right to self-determination could be exercised in various forms, one of which was to be autonomous within one or more States. Before 2014, when the people of Crimea decided to join the Russian Federation, there had been the Autonomous Republic of Crimea. Therefore, the people of Crimea had already exercised their right to self-determination within Ukraine but the policy of denying those people any rights and opportunities and of denying their existence had influenced the decision of the people of Crimea to decide through the referendum to join the Russian Federation.

52. **Ms. Bellout** (Algeria) said that the Committee was considering the situation of the 17 Non-Self-Governing Territories that the United Nations and the international community had recognized as being subject to colonial rule; it had not convened to consider the increasingly outrageous allegations being made against her country by Morocco. Instead of making baseless accusations against another Member State, Morocco should take the time to reflect on its own domestic problems. The international community should, moreover, look into Morocco's despicable human rights record. Algeria remained steadfast in its support for all peoples, including the Sahrawi people, who were denied their right to self-determination, and called for them to be allowed to exercise that right through free and impartial plebiscites, in accordance with international law. Algeria commended the efforts of the Secretary-General to facilitate the resumption of negotiations with a view to achieving a solution that would provide for the self-determination of the Sahrawi people, in accordance with Security Council resolution 2351 (2017).

53. Algeria remained deeply concerned that only very limited progress had been achieved in that regard, and was also very concerned at the deteriorating human rights situation in Western Sahara, whose native inhabitants had been subject to colonialism for over four decades. The United Nations must intensify its efforts to bring to an end all forms of exploitation and occupation worldwide, and must reject all unilateral attempts to deny an entire people its right to self-determination. In closing, she underscored that Algeria, a non-party to the conflict in Western Sahara, supported all United Nations initiatives endorsed by Member States for the resolution of that conflict.

54. **Mr. Kadiri** (Morocco) said that the Committee was considering not a territory but the right to self-determination, which Algeria wanted to apply only to the Moroccan Sahara. His delegation had already explained the concept of self-determination. Algeria could not therefore impose its biased and partial interpretation of the right to self-determination.

55. One of the most ancient peoples in Africa, namely, the Kabyle people, continued to be subjected to the systematic denial of their rights and fundamental freedoms, especially their right to self-determination. Those 12 million people, who had lived in the region for 9,000 years, should enjoy all their rights including the right to self-determination. Sadly, the United Nations continued to ignore their legitimate aspiration to

freedom, equality and respect for their cultural and linguistic identity. The United Nations should shoulder its responsibility for those people by granting them their right to self-determination.

56. The delegation of Algeria had also spoken of respect for human rights. Since the debate was also about racial discrimination, it should be noted that Algeria had recently taken action against migrants from other African countries on its territory. In spite of condemnation by the international community and organizations such as Amnesty International, Algeria had arrested nationals of sub-Saharan countries, including minors, some of them unaccompanied, and forcibly expelled them to neighbouring countries. The new wave of arrests had begun in September when the Algerian police and gendarmerie had begun arbitrary arrests of migrants in the capital and surrounding areas on the basis of ethnic profiling. The police had not sought to determine whether those people were legally resident in Algeria. Some had been undocumented but others had valid visas. Ethnic profiling and the massive and arbitrary expulsions were proof of a discriminatory attitude against sub-Saharan migrants; instead of trampling on their rights and expelling them en masse, the Algerian authorities should counter ethnic discrimination and hate speech, and reform the laws on the residency of migrant workers in Algeria.

57. The issue of the Moroccan Sahara was merely a matter of territorial integrity and national sovereignty for Morocco. Morocco had irreversibly recovered its Saharan territories through the Madrid agreement, as recognized by the United Nations in 1975. Algeria had not been a mere observer and had supported the creation of a separatist movement, spending huge sums to support it politically and militarily. Algeria had made a proposal to partition the Moroccan Sahara and had done so out of contempt for the right to self-determination that it claimed to support. Morocco had rejected that proposal.

58. **Ms. Bellout** (Algeria) said that the delegation of Morocco should note that the name used by the United Nations was Western Sahara. No other name was used, otherwise the issue would not be under discussion in the context of the Third Committee. As for Amnesty International, there was much to say about the human rights situation in Morocco, and that country should reflect on its own internal problems.

59. **Mr. Kadiri** (Morocco) said that the delegation of Algeria evidently lacked the political courage to raise any issue other than the Moroccan Sahara, and had done so on the selective grounds of respect for self-determination. The only reason for Algeria to create and support conflict over the Sahara was its determination to harm the territorial integrity of Morocco, advance its hegemonic ambitions in North Africa, and distract its own population from the systemic denial of their rights.

60. The responsibility of Algeria for the conflict in the Moroccan Sahara had been clearly established. With the aim of putting an end to the Algerian-inspired conflict over its Sahara, Morocco had, in good faith, participated in the United Nations process seeking a mutually acceptable political solution. The parties and States in the region, including Algeria, should fully cooperate with the United Nations and each other. The referendum mentioned by Algeria had been pronounced dead and buried by the United Nations Secretary-General and the Security Council for more than 18 years. A more immediate concern was the disastrous situation of people held in the camps in Tindouf who were denied their most elementary rights such as their right to a census. Algeria had denied them those rights in spite of requests from the Security Council and the Secretary-General, and in violation of its international obligations. Lastly, all international reports had noted that the human rights situations in Morocco was far superior to the situation in Algeria.

The meeting rose at 11.25 a.m.